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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California  
15 Corporation,

16 Plaintiff,

17 v.

18 THE RACKS, a Business Entity of Form  
19 Unknown; and DOES 1 through 10,

20 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

21 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to  
22 this honorable Court for relief based on the following:

23 **JURISDICTION AND VENUE**

24 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
25 *et seq.*

26 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
27 1338 (a) and (b).



**CLAIMS RELATED TO DESIGN NO. 60644**

8. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 60644 (the “Subject Design”) which has been registered with the United States Copyright Office.

9. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing the Subject Design to numerous parties in the fashion and apparel industries.

10. Plaintiff is informed and believes and thereon alleges that following its distribution of the Subject Design, RACKS, DOE Defendants, and each of them distributed and/or sold fabric and/or garments featuring a design which is substantially similar to the Subject Design (hereinafter “Subject Product”) without Plaintiff’s authorization, including but not limited to products sold by RACKS under SKU 149110004113 and bearing the label “Dori.”

11. Representative portions of the Subject Design and Subject Product are set forth hereinbelow:

**Subject Design**



**Subject Product**



**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

12. Plaintiff repeats, realleges and incorporates herein by reference as though fully set forth the allegations contained in the preceding paragraphs of this Complaint.

13. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing the Subject Design.

14. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed the Subject Design in that said garments were composed of fabric which featured unauthorized print designs that were identical or substantially similar to the Subject Design, or were an illegal modification thereof.

15. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyright by creating, making and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling Subject Products through a nationwide network of retail stores, catalogues, and through on-line websites.

16. Due to Defendants', and each of their, acts of infringement, Plaintiff has

1 suffered damages in an amount to be established at trial.

2 17. Due to Defendants', and each of their, acts of copyright infringement as  
3 alleged herein, Defendants, and each of them, have obtained profits they would not  
4 otherwise have realized but for their infringement of the Subject Design. As such,  
5 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
6 attributable to the infringement of the Subject Design in an amount to be established  
7 at trial.

8 18. Plaintiff is informed and believes and thereon alleges that Defendants, and  
9 each of them, have committed copyright infringement with actual or constructive  
10 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
11 and continue to be, willful, intentional and malicious.

12 **PRAYER FOR RELIEF**

13 Wherefore, Plaintiff prays for judgment as follows:

- 14 a. That Defendants—each of them—and their respective agents and  
15 servants be enjoined from importing, manufacturing, distributing,  
16 offering for sale, selling or otherwise trafficking in any product that  
17 infringes Plaintiff's copyrights in the Subject Design;
- 18 b. That Plaintiff be awarded all profits of Defendants, and each of them,  
19 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,  
20 or, if elected before final judgment, statutory damages as available under  
21 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 22 c. That Plaintiff be awarded its attorneys' fees as available under the  
23 Copyright Act U.S.C. § 101 et seq.;
- 24 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 25 e. That Plaintiff be awarded the costs of this action; and
- 26 f. That Plaintiff be awarded such further legal and equitable relief as the  
27 Court deems proper.

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2 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
3 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

4 Dated: July 5, 2017

DONIGER/BURROUGHS

5  
6 By: /s/ Stephen M. Doniger  
7 Stephen M. Doniger, Esq.  
8 Howard S. Han, Esq.  
9 Attorneys for Plaintiff  
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